

Application No. 09/316,163
Filed May 21, 1999
Attorney Docket No. 3523 P 002

Group II: *Claims 11-12, drawn to a method of manufacture of a medicament, classified in Class 514, subclass 8.*

Group III: *Claim 13, drawn to a method of inhibiting complement activation, classified in Class 514, subclass 12.*

Group IV: *Claims 14-16, drawn to a nucleotide sequence/DNA molecule, classified in Class 536, subclass 23.5.*

Traverse and Provisional Election

In response, Applicants traverse the restriction requirement, and request that the requirement be withdrawn and all claims examined in the present application.

Pursuant to M.P.E.P. § 803, a restriction requirement is proper only if (1) the two or more claimed inventions are able to support separate patents; (2) the inventions are independent or distinct as claimed; and (3) there would be a serious burden on the Examiner if the restriction is not required. Here, Applicants acknowledge the Examiner's finding that the inventions claimed in Groups I and IV and Groups I and II are patentably distinct from each other, and that Groups I and II and I and III are related as product and process of use. However, Applicants respectfully submit that a search and examination of Group II, III and IV in addition to Group I, would not impose a serious burden on the Examiner.

Although each Group pertains to a patentably distinct invention, the groups of inventions all relate to regulation of complement activation. The Examiner has indicated that the Group I claims

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are classified in class 530, subclass 381, which pertains to a complement control protein molecule. Further, the process of use in Group II and III relate to complement inhibition. Arguably, the product would be used in a different process such as immunopurification procedures or diagnostic assays relating to complement inhibition. Because the inventions of Groups I, II, III and IV pertain to the regulation of complement activation, Applicants anticipate that the above classes and subclasses would be searched for each group individually. Thus, there would not be a serious burden on the Examiner if the restriction is not required. Applicants do not admit that any references produced from those or other classes and subclasses are analogous to each other nor that such references are relevant to any of Applicants' claims.

If the Examiner makes the restriction requirement final, Applicants provisionally elect to prosecute the claims of Group I, claims 1-10, and species SEQ ID NO. 9. In that event, Applicants request that the remaining claims, 11-16 be withdrawn without prejudice.

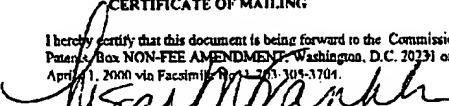
Respectfully submitted,

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